

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

DEFENDANTS

Dhimiter Doma, D'Arrigo Bros Co of New York Inc., et al

County of Residence of First Listed Defendant Bronx
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Jeffrey W. McDonnell, Esquire, PO Box 2903, Hartford, CT 06104

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | (For Diversity Cases Only) | | (Use Only for Defendants) | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

[Click here for: Nature of Suit Code Descriptions.](#)

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*):
USC Sections 1332 and 1441

Brief description of cause:

Plaintiff is seeking to recover damages for injuries allegedly sustained as a result of a motor vehicle accident

<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No
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(See instructions.):

JUDGE

DOCKET NUMBER

DATE _____

SIGNATURE OF ATTORNEY OF RECORD

081043033

Asst. Jeffrey W. McDonnell

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Clarence R. Davis, 243 W. Olney Ave., Philadelphia, PA 19120
 Address of Defendant: Dhimiter Doma, 2884 Philip Ave #1R, Bronx, NY 10465
 Place of Accident, Incident or Transaction: Pennsylvania Turnpike, Chester County, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is **not** related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 08/04/2022 /s/ Jeffrey W. McDonnell 74353
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FECA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury *(Please specify):* _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: _____ Sign here if applicable _____
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CLARENCE R. DAVIS

:

: NO.:

v.

:

:

DHIMITER DOMA; D'ARRIGO BROS CO OF :
NEW YORK, INC. d/b/a D'ARRIGO DELIVERY: :
INC. and KAMAR M. GRUBB :

:

PRAECIPE FOR TRANSFER

Kindly transfer this case from the Court of Common Pleas of Philadelphia
County at No.: 220700276 to the United States District Court for the Eastern
District of Pennsylvania.

WILLIAM J. FERREN & ASSOCIATES

By: /s/ Jeffrey W. McDonnell

Jeffrey W. McDonnell, Esquire

Attorney ID# 74353

PO Box 2903

Hartford, CT 06104

(p) 267-675-3004

Email: jwmcdonn@travelers.com

Attorney for Defendants, Dhimiter Doma
and D'Arrigo Bros Co of New York Inc.
d/b/a D'Arrigo Delivery, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CLARENCE R. DAVIS

:

: NO.:

v.

:

:

DHIMITER DOMA; D'ARRIGO BROS CO OF :
NEW YORK, INC. d/b/a D'ARRIGO DELIVERY :
INC. and KAMAR M. GRUBB :

:

**NOTICE TO PLAINTIFF OF THE FILING OF A NOTICE OF REMOVAL
TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT
OF PENNSYLVANIA**

TO: I. Michael Lubber, Esquire
LUBER LAW
1420 Walnut Street, Ste 300
Philadelphia, PA 19102

Please take notice that Defendants, Dhimitger Doma and D'Arrigo Bros
Co of New York Inc. d/b/a D'Arrigo Delivery, Inc., by their attorney, Jeffrey W.
McDonnell, Esquire, has filed a Notice in the United States District Court for the
Eastern District of Pennsylvania for Removal of an action now pending in the
Court of Common Pleas of Philadelphia County, PA, Clarence R. Davis v.
Dhimiter Doma, et al, July Term, 2022 No.: 00276

WILLIAM J. FERREN & ASSOCIATES

By: /s/ Jeffrey W. McDonnell

Jeffrey W. McDonnell, Esquire

Attorney ID# 74353

PO Box 2903

Hartford, CT 06104

(p) 267-675-3004

Email: jwmcdonn@travelers.com

Attorney for Defendants, Dhimiter Doma
and D'Arrigo Bros Co of New York Inc.
d/b/a D'Arrigo Delivery, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CLARENCE R. DAVIS

:

: NO.:

v.

:

:

DHIMITER DOMA; D'ARRIGO BROS CO OF
NEW YORK, INC. d/b/a D'ARRIGO DELIVERY:
INC. and KAMAR M. GRUBB

:

:

:

**NOTICE OF REMOVAL OF DEFENDANTS, DHIMITER DOMA AND D'ARRIGO
BROS CO OF NEW YORK INC., D/B/A D'ARRIGO DELIVERY, INC.**

Pursuant to 28 U.S.C. Section 1441, Dhimiter Doma and D'Arrigo Bros Co of New York, Inc., d/b/a D' Arrigo Delivery, Inc., defendants in the above captioned matter, hereby file this Notice of Removal of this case from the Philadelphia County Court of Common Pleas, where it is now pending, to the United States District Court for the Eastern District of Pennsylvania and in support thereof, avers as follows:

1. This Court has jurisdiction over this matter under 28 U.S.C. §1332(a), because there is complete diversity of citizenship between plaintiff and all defendants and more than seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs, is at stake.
2. The Plaintiff filed his complaint in the Philadelphia County Court of Common Pleas to recover damages for injuries he allegedly sustained in a motor vehicle accident that occurred on November 13, 2021, on the Pennsylvania Turnpike at or near Yellow Springs Road in Charleston Township, Chester County, Pennsylvania. A true and correct copy of the Plaintiff's complaint is attached hereto, made part hereof and marked as Exhibit "A."

3. The Plaintiff's complaint was filed on July 6, 2022, and was served upon Defendant, D'Arrigo Bros Co of New York, Inc. d/b/a D'Arrigo Delivery, Inc. on July 11, 2022.

4. In the Complaint, Plaintiff asserts that the amount in controversy exceeds \$50,000.00.

5. However, Plaintiff further alleges that as a result of the accident he sustained "serious and painful personal injuries rendering him sick, sore and disordered and more particularly he sustained a serious impairment of a bodily function, including but not limited to broad based disc herniation compressing the left L3 nerve root, acute post traumatic cervical sprain and strain, acute post traumatic trapezius myositis, acute post traumatic bilateral rhomboid myositis, acute post traumatic thoracic myositis, acute post traumatic lumbar myositis and a severe shock to his nerves and nervous system, some or all of which injuries may be permanent in nature." See Exhibit A, paragraph 7.

6. Therefore, based on Plaintiff's allegations, it is reasonably believed that a jury could award him damages in excess of \$75,000.00. Thus, there is over seventy-five thousand dollars (\$75,000.00) in controversy and the jurisdictional threshold under 28 U.S.C. § 1332(a) is satisfied.

7. Plaintiff avers in the Complaint that he resides at 243 W. Olney Avenue, Philadelphia, Pennsylvania.

8. Defendant, Dhimiter Doma, is a citizen and resident of the state of New York, with an address of 2884 Phillip Avenue #R in Bronx, New York.

9. Defendant, D'Arrigo Bros Co of New York, Inc. d/b/a D'Arrigo Delivery, Inc. is a corporation organized and existing under the law of the state of Delaware and maintains its principal business at NYC Terminal Market, Row C, Unit 315, Bronx, New York.

10. Co-Defendant, Kamar Grubb, is a citizen and resident of the state of New Jersey, with an address of 142 W. 29th Street, Bayonne, NJ 07002.

11. Since plaintiff is a citizen of the Commonwealth of Pennsylvania and each defendant in the action is a citizen of a different state than plaintiff, there is complete diversity of citizenship of the parties. See *Midlantic Bank v. Hansen*, 48 F.3d. 693, 696 (3d Cir. 1995).

12. I have spoken with Brian Palm, counsel for Kamar Grubb, and he has consented to the removal of this matter.

WHEREFORE, Notice is given that this action is removed from the Philadelphia County Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania.

WILLIAM J. FERREN & ASSOCIATES

By: /s/ Jeffrey W. McDonnell
Jeffrey W. McDonnell, Esquire
Attorney ID# 74353
PO Box 2903
Hartford, CT 06104
(p) 267-675-3004
Email: jwmcdonn@travelers.com
Attorney for Defendants, Dhimiter Doma
and D'Arrigo Bros Co of New York Inc.
d/b/a D'Arrigo Delivery, Inc.

CERTIFICATE OF SERVICE

I, Jeffrey W. McDonnell, attorney for defendants, Dhimiter Doma and D'Arrigo Bros Co of New York, Inc., d/b/a D' Arrigo Delivery, Inc., hereby certify that I have served a true and correct copy of the foregoing Notice of Removal on all counsel of record via electronic filing on the date indicated below.

WILLIAM J. FERREN & ASSOCIATES

By: /s/ Jeffrey W. McDonnell
Jeffrey W. McDonnell, Esquire
Attorney ID# 74353
PO Box 2903
Hartford, CT 06104
(p) 267-675-3004
Email: jwmcdonn@travelers.com
Attorney for Defendants, Dhimiter Doma
and D'Arrigo Bros Co of New York Inc.
d/b/a D'Arrigo Delivery, Inc.

Dated: August 3, 2022

“Exhibit A”

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)	
JULY 2022 E-Filing Number: 2207007617 000276	
PLAINTIFF'S NAME CLARENCE DAVIS	DEFENDANT'S NAME DHIMITER DOMA
PLAINTIFF'S ADDRESS 243 W OLNEY AVENUE PHILA PA 19120	DEFENDANT'S ADDRESS 2884 PHILIP AVENUE #1R BRONX NY 10465
PLAINTIFF'S NAME	DEFENDANT'S NAME D'ARRIGO BROS CO OF NEW YORK INC, ALIAS: D'ARRIGO DELIVERY INC
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS NYC TERMINAL MARKET ROW C UNIT 315 BRONX NY 10474
PLAINTIFF'S NAME	DEFENDANT'S NAME KAMAR GRUBB
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 142 WEST 29TH STREET BAYONNE NJ 07002
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 3 COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT	
STATUTORY BASIS FOR CAUSE OF ACTION	
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <div style="text-align: center;"> FILED PRO PROTHY JUL 06 2022 A. STAMATO </div>	
IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>CLARENCE DAVIS</u> Papers may be served at the address set forth below.	
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY MICHAEL I. LUBER	ADDRESS 1420 WALNUT STREET SUITE 300 PHILADELPHIA PA 19102
PHONE NUMBER (215) 496-1000	FAX NUMBER (215) 496-9025
SUPREME COURT IDENTIFICATION NO. 2041	E-MAIL ADDRESS imichaelluber@aol.com
SIGNATURE OF FILING ATTORNEY OR PARTY MICHAEL LUBER	DATE SUBMITTED Wednesday, July 06, 2022, 01:01 pm

I. MICHAEL LUBER, ESQUIRE
 Attorney I.D. No. 02041
 1420 Walnut Street, Suite 300
 Philadelphia, PA 19102
 (215) 496-1000

Filed and Attested by the
 Office of Judicial Records
 06 JUL 2022 01:01 pm
 A. STAMATO

Attorney for Plaintiff

Clarence R Davis	:	COURT OF COMMON PLEAS
243 W Olney Avenue	:	PHILADELPHIA COUNTY
Philadelphia, PA 19120	:	
vs.	:	
Dhimiter Doma	:	
2884 Philip Avenue #1R	:	
Bronx, NY 10465	:	
and	:	
D'Arrigo Bros Co of New York Inc. d/b/a	:	
D'Arrigo Delivery Inc.	:	
NYC Terminal Market, Row C, Unit 315	:	
Bronx, NY 10474	:	
and	:	
Kamar M Grubb	:	
142 West 29 th Street	:	
Bayonne, NJ 07002	:	

"NOTICE

"You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA COUNTY BAR ASSOCIATION
 LAWYER REFERRAL AND INFORMATION SERVICE
 1101 MARKET STREET
 PHILADELPHIA, PA 19107
 (215) 238-6300

"AVISO

"Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias, de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A AL OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

PHILADELPHIA COUNTY BAR ASSOCIATION
 LAWYER REFERRAL AND INFORMATION SERVICE
 1101 MARKET STREET
 PHILADELPHIA, PA 19107
 (215) 238-6300

I. MICHAEL LUBER, ESQUIRE
Attorney I.D. No. 02041
1420 Walnut Street, Suite 300
Philadelphia, PA 19102
(215) 496-1000

Attorney for Plaintiff

Clarence R Davis	:	COURT OF COMMON PLEAS
243 W Olney Avenue	:	PHILADELPHIA COUNTY
Philadelphia, PA 19120	:	
vs.	:	
Dhimiter Doma	:	
2884 Philip Avenue #1R	:	
Bronx, NY 10465	:	
and	:	
D'Arrigo Bros Co of New York Inc. d/b/a	:	
D'Arrigo Delivery Inc.	:	
NYC Terminal Market, Row C, Unit 315	:	
Bronx, NY 10474	:	
and	:	
Kamar M Grubb	:	
142 West 29 th Street	:	
Bayonne, NJ 07002	:	

CIVIL ACTION COUNT I
Clarence Davis vs. Dhimiter Doma

1. The Plaintiff Clarence R Davis is an adult individual who resides at 243 W. Olney Avenue, Philadelphia, Pa.

2. The Defendant Dhimiter Doma is an adult individual who resides at 2884 Philip Avenue #1R, Bronx, New York. At all times material and relevant herein, the Defendant Dhimiter Doma was an agent, servant, workman and/or employee of the Defendant D'Arrigo Bros Co of New York Inc. d/b/a D'Arrigo Delivery Inc. and as such was acting within the course and scope of his employment.

3. The defendant D'Arrigo Bros Co of New York Inc. d/b/a D'Arrigo Delivery Inc. is a corporate entity registered in the State of New York with a principal place of business located NYC Terminal Market, Row C, Unit 315, Bronx, New York. The said defendant regularly conducts business in the City and County of Philadelphia. At all

times material and relevant hereto the said Defendant D'Arrigo Bros Co of New York Inc. d/b/a D'Arrigo Delivery Inc. the employer of the Defendant Dhimiter Doma.

4. The defendant Karma M Grubb is an adult individual who resides at 142 West 29th Street, Bayonne, New Jersey.

5. On or about November 13, 2021 at or about 11:30 a.m. the Plaintiff was lawfully operating his vehicle east on the Pennsylvania Turnpike at or near Yellow Springs Road, in Charlestown Township, Chester County, Commonwealth of Pennsylvania.

6. On the above date and time, the defendant Dhimiter Doma did operate a work truck owned and/or leased by the Defendant D'Arrigo Bros Co of New York Inc. d/b/a D'Arrigo Delivery Inc. east on the Pennsylvania Turnpike while in the course and scope of his employment for the said defendant, in such a careless and negligent manner that he suddenly without warning or notice and with great force and violence rear ended the plaintiff's car thereby causing the plaintiff to be tossed and thrown about thereby sustaining serious and painful permanent injuries.

7. As a result of the aforesaid occurrence the plaintiff was caused to sustain serious and painful personal injuries rendering him sick, sore and disordered and more particularly he sustained a serious impairment of a bodily function, including but not limited to broad based disc herniation compressing the left L3 nerve root, acute post traumatic cervical sprain and strain, acute post traumatic trapezius myositis, acute post traumatic bilateral rhomboid myositis, acute post traumatic thoracic myositis, acute post traumatic lumbar myositis and a severe shock to his nerves and nervous system, some or all of which injuries may be permanent in nature.

8. As a result of the aforesaid occurrence, the plaintiff has undergone and will undergo great pain and suffering, he has required and will require continued medical attention and treatment, and he has otherwise been injured and damaged; further, said Plaintiff has been and may in the future be disabled and prevented from following his

usual occupation and from performing his customary duties and he has suffered a loss and depreciation of his earning power and will continue to suffer such loss and depreciation for an indefinite period of time in the future, all to his great loss and detriment.

9. As a further result of this occurrence, the plaintiff has been and may in the future be compelled to expend monies for medicine, medical care and treatment rendered necessary as a result of the injuries aforesaid, all to his great loss and detriment.

10. The negligence of the Defendant Dhimiter Doma consisted of the following:

- (a) operating said work truck in a negligent, careless and/or reckless manner without regard for the rights or safety of plaintiff or others;
- (b) failing to have said work truck under proper and adequate control;
- (c) failing to observe the position of the plaintiff and to take such action as was necessary to prevent striking the plaintiff's vehicle;
- (d) failing to yield to a vehicle that was lawfully in a traffic lane;
- (e) being inattentive to defendant's duties as an operator of a work truck;
- (f) disregarding traffic lanes, patterns and other devices;
- (g) failing to keep an adequate distance from vehicles in the vicinity of the plaintiff;
- (h) failing to remain continually alert while operating said work truck;
- (i) failing to be highly vigilant and maintain sufficient control of said work truck and to bring it to a stop on the shortest possible notice;
- (j) operating a work truck at an excessive rate of speed under the circumstances;
- (k) failure to obey the rules of the road and ordinances of Chester County and the statutes of the Commonwealth of Pennsylvania while operating the work vehicle on the highways and roadways of this Commonwealth;

- (l) operating a work truck without due regard for the right, safety and position of the plaintiff under the circumstances;
- (m) exhibiting a reckless and wanton disregard toward the rights and safety of the plaintiff and other passengers herein;
- (n) in failing to apply the brakes in time to avoid the collision;
- (o) in failing to exercise the high degree of care required of a motorist while driving;
- (p) in failing to keep a reasonable look-out for other vehicles lawfully on the road;
- (q) in failing to yield the right-of-way to traffic already upon the highway;
- (r) in failing to observe traffic directly in front of him;
- (s) in failing to keep a proper lookout for approaching vehicles;
- (t) in violating 75 Pa.C.S. Section 3361 - driving at a safe speed;
- (u) in violating 75 Pa.C.S. Section 3714 - careless driving;
- (v) in violating 75 Pa.C.S. Section 3736 - reckless driving;
- (w) negligence at law.

WHEREFORE, Plaintiff demands judgment against the Defendant Dhimiter Doma in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.

COUNT II – NEGLIGENT ENTRUSTMENT

Clarence Davis vs. D'Arrigo Bros Co of New York Inc. d/b/a D'Arrigo Delivery Inc.

11. Plaintiff incorporates paragraphs 1 through 10 as though same were more fully set forth herein at length.

12. On or about November 13, 2021 at or about 11:30 a.m. the Plaintiff was lawfully operating his vehicle east on the Pennsylvania Turnpike at or near Yellow

Springs Road, in Charlestown Township, Chester County, Commonwealth of Pennsylvania.

13. On the above date and time, the defendant Dhimiter Doma did operate a work truck owned and/or leased by the Defendant D'Arrigo Bros Co of New York Inc. d/b/a D'Arrigo Delivery Inc. east on the Pennsylvania Turnpike while in the course and scope of his employment for the said defendant, in such a careless and negligent manner that he suddenly without warning or notice and with great force and violence rear ended the plaintiff's car thereby causing the plaintiff to be tossed and thrown about thereby sustaining serious and painful permanent injuries.

14. As a result of the aforesaid occurrence the plaintiff was caused to sustain serious and painful personal injuries rendering him sick, sore and disordered and more particularly he sustained a serious impairment of a bodily function, including but not limited to broad based disc herniation compressing the left L3 nerve root, acute post traumatic cervical sprain and strain, acute post traumatic trapezius myositis, acute post traumatic bilateral rhomboid myositis, acute post traumatic thoracic myositis, acute post traumatic lumbar myositis and a severe shock to his nerves and nervous system, some or all of which injuries may be permanent in nature.

15. As a result of the aforesaid occurrence, the plaintiff has undergone and will undergo great pain and suffering, he has required and will require continued medical attention and treatment, and he has otherwise been injured and damaged; further, said Plaintiff has been and may in the future be disabled and prevented from following his usual occupation and from performing his customary duties and he has suffered a loss and depreciation of his earning power and will continue to suffer such loss and depreciation for an indefinite period of time in the future, all to his great loss and detriment.

16. As a further result of this occurrence, the plaintiff has been and may in the future be compelled to expend monies for medicine, medical care and treatment rendered necessary as a result of the injuries aforesaid, all to his great loss and detriment

17. The negligence of the defendant D'Arrigo Bros Co of New York Inc. d/b/a D'Arrigo Delivery Inc. consisted of the following:

- (a) failing to properly train their agents, servants and/or employees;
- (b) failing to ensure that their agents, servants and/or employees were knowledgeable in the operation of work vehicles;
- (c) failing to properly supervise their agents, servants and/or employees;

WHEREFORE, plaintiff demands judgment against the defendant D'Arrigo Bros Co of New York Inc. d/b/a D'Arrigo Delivery Inc. in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.

COUNT III

Clarence Davis vs. Kamar Grubb

18. Plaintiff incorporates paragraphs 1 through 17 as though same were more fully set forth herein at length.

19. On or about November 13, 2021 at or about 11:30 a.m. the Plaintiff was lawfully operating his vehicle east on the Pennsylvania Turnpike at or near Yellow Springs Road, in Charlestown Township, Chester County, Commonwealth of Pennsylvania.

20. On the above date and time, the defendant Kamar Grubb did operate his vehicle at an excessive rate of speed and illegally on the berm/shoulder of the Pennsylvania Turnpike at or near Yellow Springs Road and in such a reckless, careless and negligent manner that he suddenly without warning or notice sped past the plaintiff's car and merged into plaintiff's lane thereby causing the plaintiff to react to the sudden emergency by changing lanes at which time plaintiff was rear ended by co-defendant

thereby causing the plaintiff to be tossed and thrown about thereby sustaining serious and painful permanent injuries.

21. As a result of the aforesaid occurrence the plaintiff was caused to sustain serious and painful personal injuries rendering him sick, sore and disordered and more particularly he sustained a serious impairment of a bodily function, including but not limited to broad based disc herniation compressing the left L3 nerve root, acute post traumatic cervical sprain and strain, acute post traumatic trapezius myositis, acute post traumatic bilateral rhomboid myositis, acute post traumatic thoracic myositis, acute post traumatic lumbar myositis and a severe shock to his nerves and nervous system, some or all of which injuries may be permanent in nature.

22. As a result of the aforesaid occurrence, the plaintiff has undergone and will undergo great pain and suffering, he has required and will require continued medical attention and treatment, and he has otherwise been injured and damaged; further, said Plaintiff has been and may in the future be disabled and prevented from following his usual occupation and from performing his customary duties and he has suffered a loss and depreciation of his earning power and will continue to suffer such loss and depreciation for an indefinite period of time in the future, all to his great loss and detriment.

23. As a further result of this occurrence, the plaintiff has been and may in the future be compelled to expend monies for medicine, medical care and treatment rendered necessary as a result of the injuries aforesaid, all to his great loss and detriment.

24. The negligence of the Defendant Kamar Grubb consisted of the following:

- (a) operating his vehicle in a negligent, careless and/or reckless manner without regard for the rights or safety of plaintiff or others;
- (b) failing to have said vehicle under proper and adequate control;
- (c) failing to keep a proper look out;
- (d) failing to yield to a vehicle that was lawfully in a traffic lane;

- (e) being inattentive to defendant's duties as an operator of a car;
- (f) disregarding traffic lanes, patterns and other devices;
- (g) failing to keep an adequate distance from vehicles in the vicinity of the plaintiff;
- (h) failing to remain continually alert while operating his car;
- (i) driving recklessly and with willful and wanton disregard for the safety of persons such as plaintiff in violation of 75 Pa C.S.A. Section 3736;
- (j) operating his vehicle so recklessly that he placed plaintiff in danger of death and serious bodily injury in violation of 18 Pa C.S.A. Section 2705;
- (k) failure to obey the rules of the road and the statutes of the Commonwealth of Pennsylvania and the ordinances of Chester County while operating on the highways and roadways under the circumstances;
- (l) operating his car without due regard for the right, safety and position of the plaintiff under the circumstances;
- (m) exhibiting a reckless and wanton disregard toward the rights and safety of the plaintiff and other passengers herein;
- (n) illegally driving on the shoulder/berm of the Turnpike;
- (o) failure to drive within a single lane in violation of 75 Pa. C.S.A. Section 3309(1);
- (p) in failing to exercise the high degree of care required of a motorist while driving;
- (q) in failing to keep a reasonable look-out for other vehicles lawfully on the road;
- ® in failing to yield the right-of-way to traffic already upon the highway;
- (s) in failing to observe traffic directly in front of him;

- (t) in failing to keep a proper lookout for approaching vehicles;
- (u) in violating 75 Pa.C.S. Section 3361 - driving at a safe speed;
- (v) in violating 75 Pa.C.S. Section 3714 - careless driving;
- (w) in violating 75 Pa.C.S. Section 3736 - reckless driving;
- (x) negligence at law.

WHEREFORE, Plaintiff demands judgment against the Defendant Kamar Grubb in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.

BY: _____/s/_____
I. MICHAEL LUBER, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I, I. Michael Luber, verifies that the facts set forth in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

_____/s/_____

I. MICHAEL LUBER